

AMENDED IN SENATE JULY 15, 2010

AMENDED IN ASSEMBLY JANUARY 13, 2010

AMENDED IN ASSEMBLY APRIL 2, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

## ASSEMBLY BILL

No. 25

---

**Introduced by ~~Assembly Members Gilmore and Logue~~ Committee  
on Environmental Safety and Toxic Materials  
(~~Coauthor: Assembly Member Chesbro~~)**

December 1, 2008

---

~~An act to amend Section 13385 of the Water Code, relating to water quality. An act to amend Section 25205.16 of the Health and Safety Code, relating to hazardous waste, and declaring the urgency thereof, to take effect immediately.~~

### LEGISLATIVE COUNSEL'S DIGEST

AB 25, as amended, ~~Gilmore~~ Committee on Environmental Safety and Toxic Materials. ~~Water discharges: mandatory minimum civil penalties. Hazardous waste: identification number certification system.~~

Existing law authorizes the Department of Toxic Substances Control to impose an annual verification fee upon certain hazardous waste generators, transporters, and facility operators and requires the department to establish an identification number certification system to verify the accuracy of information. Existing law provides for the suspension of an identification number of a generator, transporter, or facility operator who does not comply with certain requirements.

This bill would require the department, by July 1, 2011, to revise the identification number certification system to provide a method for an immediate reactivation of a suspended identification number of a

*hazardous waste generator and would require the department to charge a fee for the reactivation, to be deposited in the Hazardous Waste Control Account, for expenditure by the department, upon appropriation by the Legislature.*

*The bill would declare that it is to take effect immediately as an urgency statute.*

~~Under existing law, the State Water Resources Control Board and the California regional water quality control boards prescribe waste discharge requirements in accordance with the federal Clean Water Act and the Porter-Cologne Water Quality Control Act. The act, with certain exceptions, imposes a mandatory minimum penalty of \$3,000 for each serious waste discharge violation or for certain other described violations if those violations occur 4 or more times in any period of 6 consecutive months. For these purposes, a “serious violation” is defined to include a failure to file a certain discharge monitoring report for each complete period of 30 days following the deadline for submitting the report if certain conditions are met.~~

~~Civil liability may be imposed administratively by the state board or a regional board or those boards may request the Attorney General to petition the superior court to impose the liability.~~

~~The act authorizes the state board or a regional board, in lieu of assessing all or a portion of the mandatory minimum penalties against a publicly owned treatment works (POTW) that serves a small community, to elect to require that POTW to spend an equivalent amount towards the completion of a compliance project. The act defines a POTW that serves a small community to mean, in pertinent part, a POTW serving a community of 10,000 persons or fewer.~~

~~This bill would expand that definition to include a POTW serving a community of 20,000 persons or fewer. The bill also would authorize the state board or a regional board, in lieu of assessing all or a portion of the mandatory minimum penalties against a public school district, as defined, to elect to require the public school district to spend an equivalent amount towards the completion of a compliance project meeting prescribed requirements.~~

Vote: ~~majority~~<sup>2/3</sup>. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     *SECTION 1. The Legislature finds and declares all of the*  
2     *following:*

3     *(a) It is the intent of the Legislature, in enacting this act, to*  
4     *ensure that all hazardous waste is collected by a registered*  
5     *hazardous waste transporter as expeditiously as possible in full*  
6     *compliance with all of California's hazardous waste laws and*  
7     *regulations.*

8     *(b) The Legislature recognizes that a large number of hazardous*  
9     *waste generator identification numbers are suspended each year*  
10    *due to the failure of the generator to recertify the generator's*  
11    *information with the Department of Toxic Substances Control*  
12    *Board.*

13    *(c) It is imperative that the Department of Toxic Substances*  
14    *Control Board develop a reactivation process for generator*  
15    *identification numbers as soon as possible to ensure that the*  
16    *hazardous waste laws and regulations are fully complied with by*  
17    *all generators.*

18    *SEC. 2. Section 25205.16 of the Health and Safety Code is*  
19    *amended to read:*

20    25205.16. (a) (1) The department may impose an annual  
21    verification fee upon all generators, transporters, and facility  
22    operators with 50 or more employees that possess a valid  
23    identification number issued either by the department or by the  
24    Environmental Protection Agency. The fee charged shall be one  
25    hundred fifty dollars (\$150) for each generator, transporter, and  
26    facility operator with 50 or more employees, but less than 75  
27    employees; one hundred seventy-five dollars (\$175) for each  
28    generator, transporter, and facility operator with 75 or more  
29    employees, but less than 100 employees; two hundred dollars  
30    (\$200) for each generator, transporter, and facility operator with  
31    100 or more employees, but less than 250 employees; two hundred  
32    twenty-five dollars (\$225) for each generator, transporter, and  
33    facility operator with 250 or more employees, but less than 500  
34    employees; two hundred fifty dollars (\$250) for each generator,  
35    transporter, and facility operator with 500 or more employees.  
36    However, no generator, transporter, or facility operator shall be  
37    assessed fees pursuant to this section that exceed, in total, five  
38    thousand dollars (\$5,000).

(2) The generator, transporter, or facility operator subject to the fee shall submit payment of the fee within 30 days from the date of receiving a notice of assessment from the department. The notice shall be sent once during each fiscal year to each holder of a valid identification number. The fee imposed by this section shall be deposited in the Hazardous Waste Control Account and be available for expenditure, upon appropriation by the Legislature. For purposes of this section, ~~“employee” shall have the same meaning set forth in the number of employees that are employed~~ by a generator, transporter, or facility operator shall be calculated using the same method set forth in subdivision (e) of Section 25205.6.

(b) The department shall establish an identification number certification system to biennially verify the accuracy of information related to generators, transporters, and facilities authorized to treat, store, or dispose of hazardous waste. However, if the number of identification numbers issued since the previous certification exceeds 20 percent of the active identification numbers, the department may implement an annual certification. Each entity issued an identification number shall provide or verify the information specified in paragraphs (1) to (9), inclusive, when requested by the department. The system shall include the provision or verification of all of the following information:

(1) The name, mailing address, facsimile number, fictitious business name, federal employer number, State Board of Equalization identification number, SIC code, electronic mail address, if available, and telephone number of the firm or organization engaged in hazardous waste activities.

(2) The name, mailing address, facsimile number, and telephone number of the owner of the firm or organization.

(3) The name, title, mailing address, facsimile number, and telephone number of a contact person for the firm or organization.

(4) The identification number assigned to the firm or organization.

(5) The site location address or description associated with the firm or organization’s identification number provided in paragraph (4).

(6) The number of employees of the firm or organization.

1 (7) If the firm or organization is a generator, a statement of  
2 whether the generator produces RCRA hazardous waste or  
3 non-RCRA hazardous waste.

4 (8) An identification of any of the following hazardous waste  
5 activities in which the firm or organization is engaged:

6 (A) Generation.

7 (B) Transportation.

8 (C) Onsite treatment, storage, or disposal.

9 (9) The waste codes associated with the four largest hazardous  
10 waste streams, by volume, of the firm or organization. The federal  
11 waste code shall be verified for RCRA hazardous waste and the  
12 California waste code shall be verified for non-RCRA hazardous  
13 waste.

14 (c) ~~Any~~ A generator, transporter, and facility operator who fails  
15 to comply with this section, or who fails to provide information  
16 required by the department to verify the accuracy of hazardous  
17 waste activity data, shall be subject to suspension of any and all  
18 identification numbers assigned to the generator, transporter, or  
19 facility operator and to any other authorized enforcement action.

20 (d) (1) *On or before July 1, 2011, the department shall revise*  
21 *the identification number certification system established pursuant*  
22 *to this section to provide a method for the immediate reactivation*  
23 *of a suspended identification number of a hazardous waste*  
24 *generator by means of a wireless communication device to*  
25 *reactivate the suspended identification number.*

26 (2) *The department shall establish and charge a fee for the*  
27 *reactivation of an identification number pursuant to paragraph*  
28 *(1) to cover the full administrative costs associated with the*  
29 *implementation of that provision. The fee imposed by this*  
30 *subdivision shall be deposited in the Hazardous Waste Control*  
31 *Account and be available for expenditure, upon appropriation by*  
32 *the Legislature, for those costs.*

33 SEC. 3. *This act is an urgency statute necessary for the*  
34 *immediate preservation of the public peace, health, or safety within*  
35 *the meaning of Article IV of the Constitution and shall go into*  
36 *immediate effect. The facts constituting the necessity are:*

37 *In order to ensure that the hazardous waste laws and regulations*  
38 *are fully complied with as soon as possible, thereby protecting the*  
39 *public health and safety and the environment, it is necessary that*  
40 *this act take effect immediately.*

1  
2  
3  
4  
5

**All matter omitted in this version of the bill  
appears in the bill as amended in the  
Assembly January 13, 2010. (JR11)**

O